

Staff Summary Report



Hearing Officer Hearing Date: June 17, 2008

Agenda Number: 4

SUBJECT: This is a public hearing for a request by the **O'BRIEN RESIDENCE (PL080182)** located at 506 East Loyola Drive for two (2) variances.

DOCUMENT NAME: 20080617dsng01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **O'BRIEN RESIDENCE (PL080182)** (Doug O'Brien, applicant/property owner) located at 506 East Loyola Drive in the R1-6, Single Family Residential District for:

VAR08012 Variance to reduce the front yard setback from twenty (20) feet to thirteen (13) feet.

VAR08015 Variance to reduce the required on-site driveway length from twenty (20) feet to thirteen (13) feet.

PREPARED BY: Nick Graves, Planning Intern (480-350-8690)

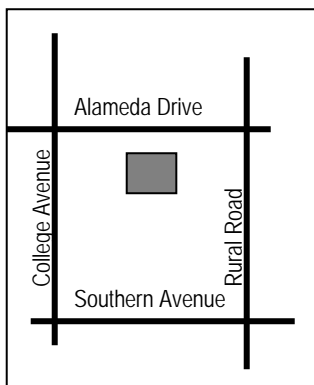
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) 

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Denial

ADDITIONAL INFO: The applicant is requesting two (2) variances to reduce the front yard setback from twenty (20) feet to thirteen (13) feet and to reduce the on-site driveway length from twenty (20) feet to thirteen (13) feet for a garage addition. The property is located at 506 East Loyola Drive in the R1-6, Single Family Residential District, northwest of the intersection of Southern Avenue and Rural Road. Staff recommends denial of the variances owing to lack of hardship, special circumstances or evidence indicating potential loss of substantial property rights. In accordance with the Zoning and Development Code, the applicant held a neighborhood meeting on June 2, 2008; two (2) neighbors attended the meeting and the applicant has provided staff with signatures from other supporting neighbors.



PAGES:

1. List of Attachments
2. Comments
3. Reasons for Denial; Conditions of Approval; History & Facts/Description
4. Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-4. Letter of Intent
5. Site Plan
6. Elevations
7. Neighborhood Meeting Notification
8. Neighbor Signatures of Support
9. Staff Photograph

COMMENTS:

The O'Brien Residence is requesting two (2) variances to reduce the front yard setback from twenty (20) feet to thirteen (13) feet and to reduce the on-site driveway length from twenty (20) feet to thirteen (13) feet for a 240 s.f. garage addition. The property is located at 506 East Loyola Drive in the R1-6, Single Family Residential District, northwest of the intersection of Southern Avenue and Rural Road. The proposed garage addition would extend the garage by twelve (12) feet. The added space would be used for a workshop and secure storage of tools. The Zoning and Development Code requires that front yard setbacks in the R1-6 zoning district and on-site driveway lengths be 20'-0". The applicant is requesting variances from these standards so as to be allowed to encroach approximately seven (7) feet into the required front yard setback and to reduce the on-site driveway by seven (7) feet. The applicant's letter states that the variances are necessary for the preservation and enjoyment of substantial property rights, and to provide a visual improvement to the property. Analysis of these requests finds there are no special circumstances or conditions affecting this building, land, or use to warrant approval of the variances.

The applicant held the required neighborhood meeting on June 2, 2008; two (2) neighbors attended the meeting. Staff has received nine (9) signatures from other supporting neighbors of this request.

Variance

The Zoning and Development Code requires a variance to reduce the front yard setback from twenty feet (20') to thirteen feet (13') in the R1-6, Single Family Residential District. The Code also requires a variance to reduce the on-site driveway length from twenty feet (20') to thirteen feet (13').

Evaluating the variances, the proposal does not appear to meet the criteria for approving the variances:

- a. There are special circumstances or conditions applying to the land, building, or use referred to in the application;
 - The applicant has indicated that the special circumstance is that the building structure is existing and in its original position on the property since built in the 1960s. There is no other evidence of special circumstance keeping with the land, building or use.
- b. That authorizing the variance is necessary for the preservation and enjoyment of substantial property rights;
 - A reduction of the required front yard setback and on-site driveway length from twenty feet (20') to thirteen feet (13') for a garage addition is not necessary for enjoyment of substantial property rights.
- c. A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner.
 - The owner has created a need for these variances by proposing a garage addition that encroaches into the required front yard setback and on-site driveway length by seven feet (7'); therefore, this is a self-imposed condition.

Conclusion

Staff recommends denial of the variances

**REASONS FOR
DENIAL:**

1. No special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the variances is not necessary for the preservation and enjoyment of substantial property rights.
3. Authorization of the variances may be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE
FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

**CONDITIONS
OF APPROVAL:**

1. Obtain all necessary clearances from the Building Safety Division.
2. The garage addition shall match the main residence in color, design, and materials.

HISTORY & FACTS:

January 2, 1963 Final inspection for a single family home.

March 16, 1999 BA990054 – The Hearing Officer approved the following at 700 East Loyola Drive:

- A. Variance to reduce the required front yard setback off of Loyola Drive from 25' to 18' for the purpose of converting the garage/addition to office space,
- B. Use permit to allow the requested off-street parking to occupy the required front yard.

DESCRIPTION:

Owner – Doug O'Brien
Applicant – Doug O'Brien
Existing Zoning – R1-6, Single Family Residential District
Existing Required Front Yard Setback - 20 feet
Proposed Front Yard Setback - 13 feet
Existing Residence Area - 2,621 s.f.
Garage Addition Area - 240 s.f.
Total Proposed Area - 2,861 s.f.
Lot Coverage Allowed - 45%
Lot Coverage Existing - 29%
Lot Coverage Proposed - 32%
Lot area - 8,915 s.f./ .205 acres

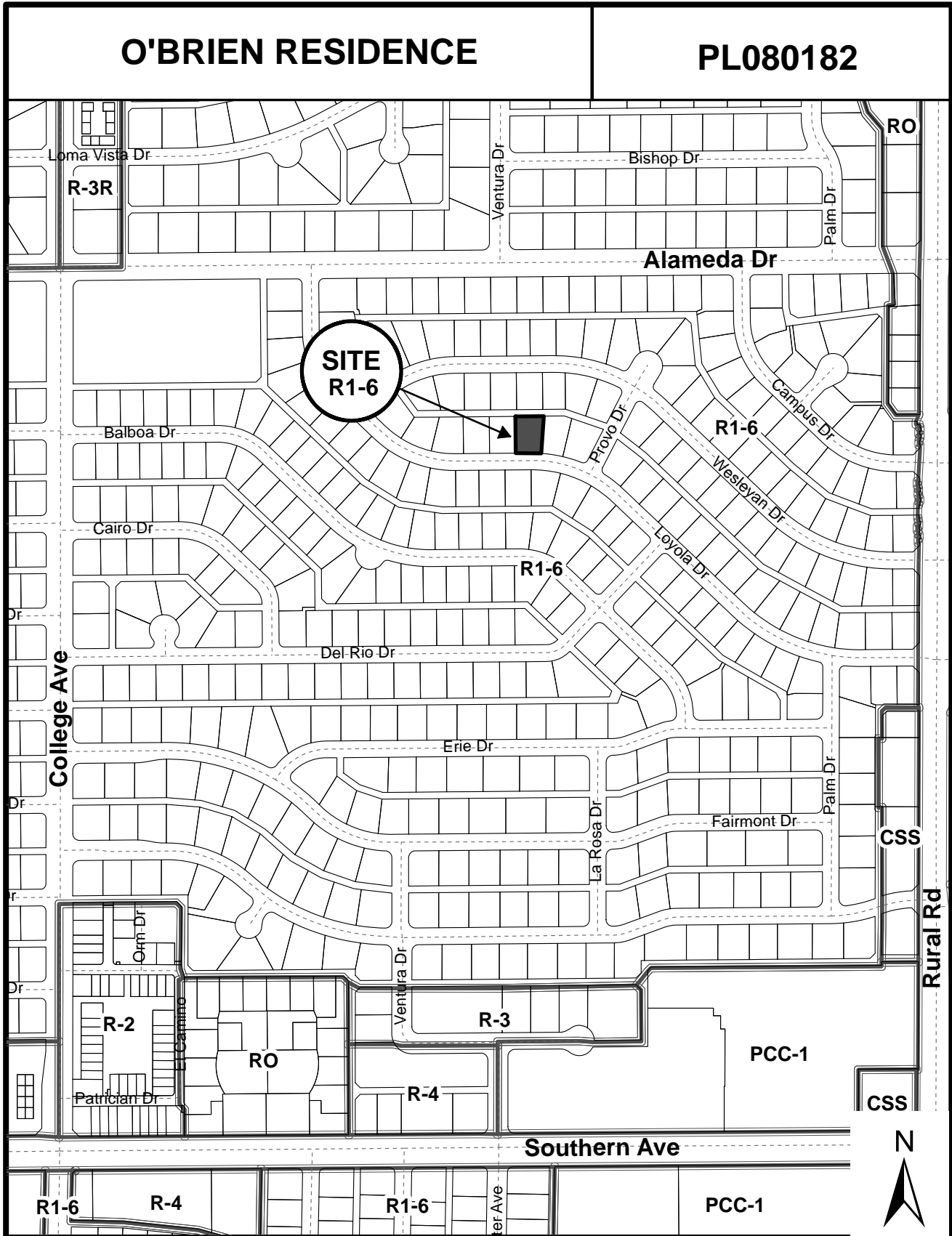
**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

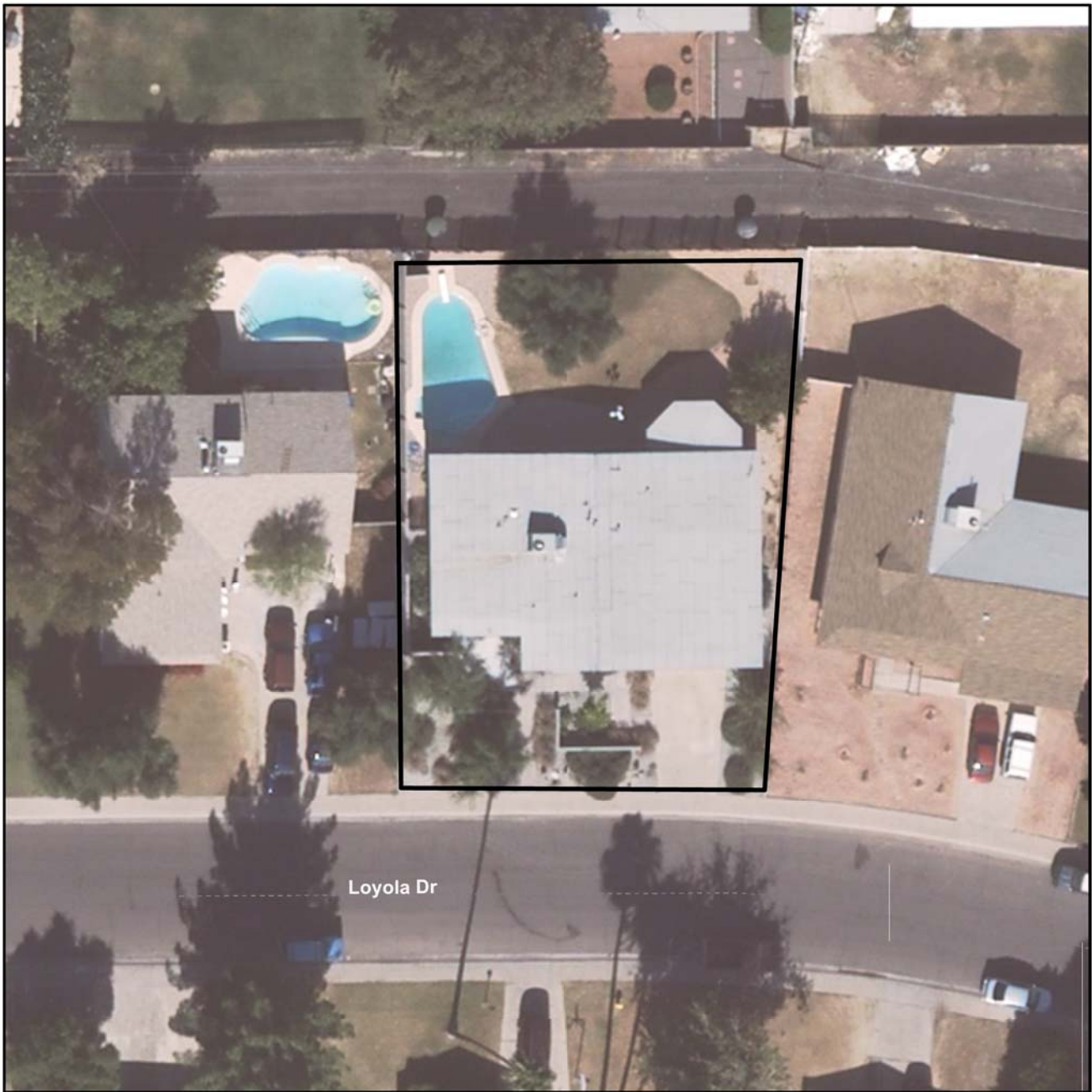
Part 4, Chapter 2, Section 4-202 – Development Standards for Residential Districts

Part 4, Chapter 5, Section 4-502F – Access - Ingress and Egress

Part 6, Chapter 3, Section 6-309 – Variances



Location Map



O'BRIEN RESIDENCE (PL080182)

G. Douglas O'Brien

Doug O'Brien—Owner
506 East Loyola
Tempe, AZ 85282

Phone: 480.968.7834
E-mail: gdobrien1@cox.net

Project: O'Brien Residence

506 East Loyola

Tempe, AZ 85282

Letter of Explanation

Request: To add on to the existing garage and extend it 12 feet. We are requesting a reduction in front yard setback from 20 feet to 13 feet.

A. There are special circumstance or conditions applying to the land, building, or use referred to in the application.

The special circumstances are that the building structure is existing and in its original position on the property since built in the 1960's.

B. That authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights.

As stated above the building structure is existing. Adding the garage will not only provide a visual improvement to the property, it will provide a needed space for workshop and secure storage of tools.

C. That authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

As stated prior the garage will enhance the look of the property as well as the neighborhood. The garage will not be detrimental to any property or person in the vicinity. It will be very similar to the garage extension at 700 East Loyola.

D. Make any changes in the uses and densities permitted in any zoning classification or zoning district.

Extending the garage will not make any changes in uses or densities permitted in the zoning district. There will still be 2-car garage parking and room for 2 cars in the driveway off of the street.

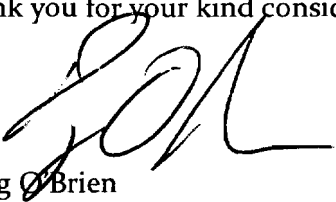
E. Be for the purpose of rectifying a special circumstance which was self imposed by the property owner or applicant.

Due to the building structure being in the original position on the property since the 1960's the condition was not self-imposed.

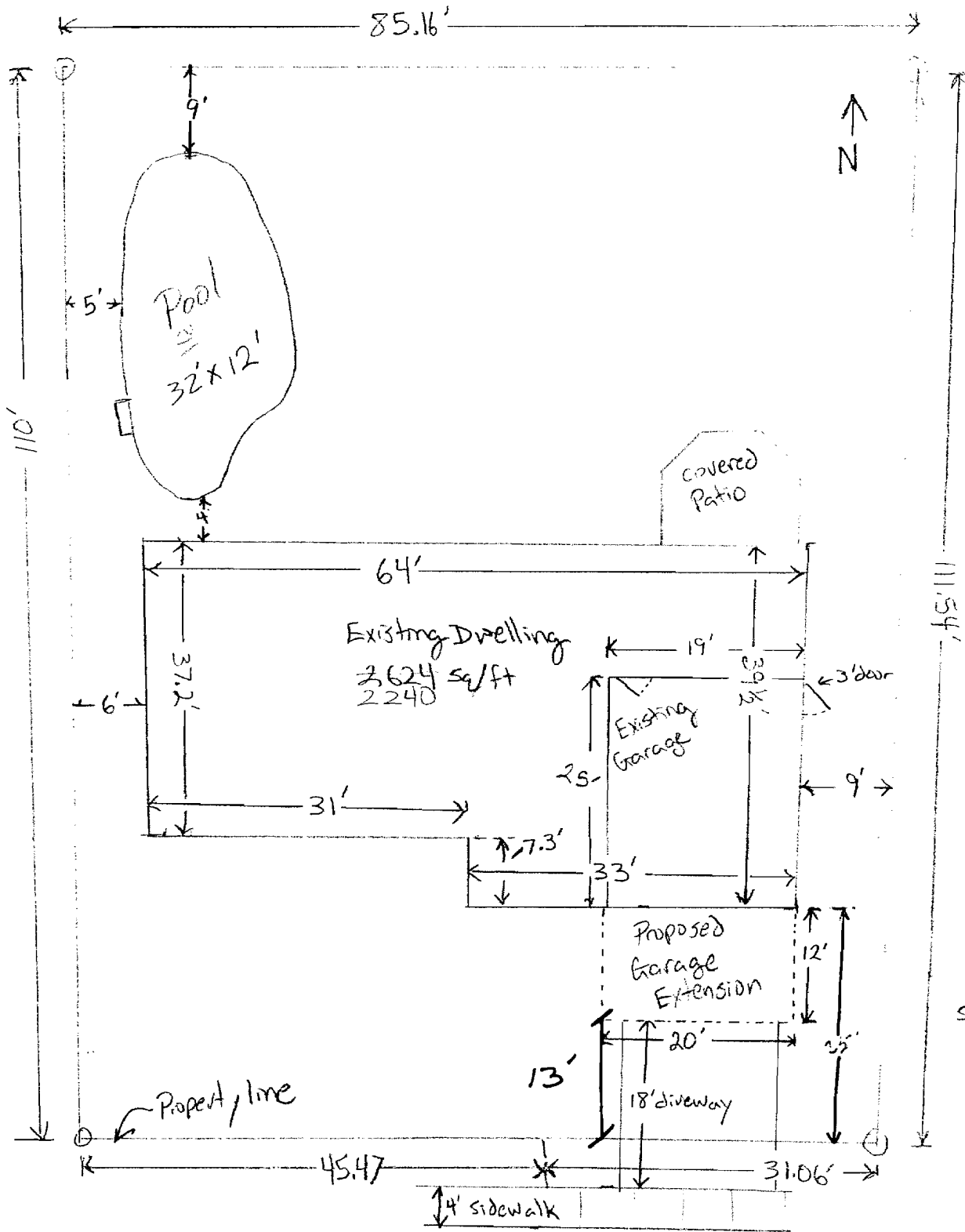
F. Allow relief from any item expressly prohibited by this ordinance.

Extending the garage to the building structure will not provide relief from anything prohibited by the ordinance.

Thank you for your kind consideration on this matter.

 5/19/08
Doug O'Brien

20' Alley



scale 1/16" = 1'

06 E. Loyola
Garage Extension

Doug OBrien 480-968-7834

ATTACHMENT 5

Site Plan

Sheet #1

G. Douglas O'Brien

Doug O'Brien—Owner
506 East Loyola
Tempe, AZ 85282

Phone: 480.968.7834
E-mail: gdobrien1@cox.net

Letter of Notification of Neighborhood Meeting

May 19th, 2008

Dear Neighbors,

A neighborhood meeting is required for variances, when the property is located within 300 feet of residential use. The property in question is located at 506 East Loyola. The variance requested will provide for the garage to be extended 12 feet closer to the property line.

The meeting date, time and location are:

Monday, June 2nd, 2008

5:00 PM

506 East Loyola

Tempe, AZ 85282

*Sample sent
to neighbors*

All questions and concerns can be presented at the neighborhood meeting, thank you for your consideration of this project designed to enhance the property and neighborhood.

Sincerely,



Doug O'Brien

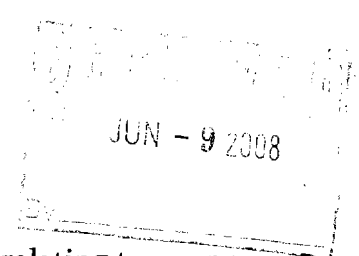
G. Douglas O'Brien

Doug O'Brien—Owner
506 East Loyola
Tempe, AZ 85282

Phone: 480.968.7834
E-mail: gdobrien@cox.net

Neighborhood Approval of Variance Submittal for 506 East Loyola

June 2, 2008



Dear Neighbors,

Thank you for your interest and support as I complete the variance process relating to my property located at 506 East Loyola. As you may know, the variance I have requested will provide for the garage to be extended 12 feet closer to the property line. This project has been designed to not only enhance the property, but the surrounding neighborhood as well. I welcome any questions or concerns that you may have.

For those having no objection to the project in question, I am requesting your signature in the space allotted below as confirmation of your support.

Again, I appreciate your time and consideration in this matter.

Sincerely,

Doug O'Brien

Name

Phone

Name

Phone

Ed Blomhagen M.D.	480 967 2358	437 E Loyola Dr.	
John W. Starnes	480 423-0628	512 E Loyola	
Lucille Stine	480 - 967-1219	706 E Loyola Dr.	
Linda Shaw	480 4971010	613 E Loyola Dr.	
Maureen McCordis	480-967-1018	521 E Loyola Dr.	
Emily Brown	480 3778009	604 E Loyola Dr.	
B. Summer	480 967 7715	618 E Loyola Dr.	
B. Summer	(480) 967-7715	618 E Loyola Dr.	
Emilia Riley Bush	(480) 966-5317	700 E Loyola Dr.	



O'BRIEN RESIDENCE

506 EAST LOYOLA DRIVE

PL080182

FRONT OF RESIDENCE